

Kansas Crime Victims Compensation Law

This statute was passed to provide victims of crime with compensation for loss of earnings and out-of-pocket medical expenses as a direct result of the incident. In the event of the death of the victim, funeral, burial or cremation expenses are reimbursable. Victims may also be eligible for crime scene clean-up.

Personal property loss is not covered, with the exception of clothing and bedding seized as evidence, or property that had to be removed during the crime scene clean-up process.

How do I know if I am eligible?

Victims of certain crimes (including DUI, hit and runs, and intentionally inflicted injuries through the use of a motor vehicle) are eligible for compensation under this statute. A child 16 years of age or younger who witnessed a violent crime is also eligible to apply for compensation. A dependent or legal representative of a victim who has died as a result of a violent crime may apply on behalf of the victim. A separate application for grief therapy is available for eligible family members of homicide victims.

What are the eligibility requirements?

- The crime must be reported to the law enforcement agency where the crime was committed within 72 hours of the event unless the Crime Victims Compensation Board finds there was a good cause for the failure to report.
- The victim or claimant must be cooperative with the law enforcement agency.
- The victim must not have been engaged in illegal activity at the time of the crime or in other misconduct that contributed to the crime.
- The victim or claimant must file a claim within two years of the incident with certain exceptions for sexual assault cases. In some circumstances, compensation for mental health counseling may be awarded to victims of sexual assault or child witnesses of certain crimes if a claim is filed beyond the two-year period. Cases of child sexual assault are based on the date the crime was reported to law enforcement.

The first three requirements do not apply to a victim of human trafficking who was 18 years old or younger at the time of the crime.

How can I recover compensation?

Crime victims or their legal representative can recover compensation by filing an application with the Division of Crime Victims Compensation. Further information can be obtained from local law enforcement agencies or by contacting the Division of Crime Victims Compensation.

Where do I get an application?

To request an application, call the Division of Crime Victims Compensation at (785) 296-2359 or online at www.ag.ks.gov. Click on *Victim Compensation* under the *Victim Services* tab.

What happens after I file an application?

Your claim will be assigned to an investigator for processing. Upon completion, it will be presented to the Board for a decision. The average processing time is approximately three (3) months.

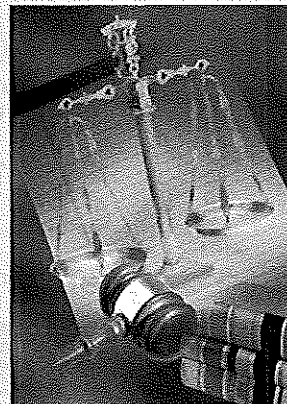
How will I be notified of the decision?

You will be sent a copy of the decision in writing setting forth the reasons why your claim was approved or denied. You should receive a letter within ten (10) days of the Board's decision.

How much can I recover?

A crime victim may receive up to \$25,000 in compensation. Funeral expenses are limited to \$7,500. These amounts are established by state law. The amount awarded must be reduced by amounts received or to be received from other sources such as:

- Restitution from the offender
- Employee benefits, health insurance, workers' compensation, other insurance, etc.
- Public (city, county, state or federal) funds, i.e., Social Security, Department for Children and Families



Constitutional Amendment for Victims of Crime

(a) Victims of crime, as defined by law, shall be entitled to certain basic rights, including the right to be informed of and to be present at public hearings, as defined by law, of the criminal justice process, and to be heard at sentencing or at any other time deemed appropriate by the court, to the extent that these rights do not interfere with the constitutional or statutory rights of the accused.

(b) Nothing in this section shall be construed as creating a cause of action for money damages against the state, a county, a municipality, or any of the agencies, instrumentalities, or employees thereof. The legislature may provide for other remedies to ensure adequate enforcement of this section.

(c) Nothing in this section shall be construed to authorize a court to set aside or to void a finding of guilty or not guilty or an acceptance of a plea of guilty or to set aside any sentence imposed or any other final disposition in any criminal case.

Article 15, Section 15

Kansas Victims' Bill of Rights

1. Victims should be treated with courtesy, compassion and with respect for their dignity and privacy and should suffer the minimum of necessary inconvenience from their involvement with the criminal justice system.
2. Victims should receive, through formal and informal procedures, prompt and fair redress for the harm which they have suffered.
3. Information regarding the availability of criminal restitution, recovery of damages in a civil cause of action, the crime victims compensation fund and other remedies and the mechanisms to obtain such remedies should be made available to victims.
4. Information should be made available to victims about their participation in criminal proceedings and the scheduling, progress and ultimate disposition of the proceedings.
5. The views and concerns of victims should be ascertained and the appropriate assistance provided throughout the criminal process.
6. When the personal interests of victims are affected, the views or concerns of the victim should, when appropriate and consistent with criminal law and procedure, be brought to the attention of the court.
7. Measures may be taken when necessary to provide for the safety of victims and their families and to protect them from intimidation and retaliation.
8. Enhanced training should be made available to sensitize criminal justice personnel to the needs and concerns of victims and guidelines should be developed for this purpose.
9. Victims should be informed of the availability of health and social services and other relevant assistance that they might continue to receive the necessary medical, psychological and social assistance through existing programs and services.
10. Victims should report the crime and cooperate with law enforcement authorities.

K.S.A. 74-7333